



National Parks Conservation Association*
Protecting Our National Parks for Future Generations™

October 5, 2010

Paul Murphey
Division of Water Rights
State Water Resources Control Board
Post Office Box 2000
Sacramento, CA 95812

Dear Mr. Murphey:

The National Parks Conservation Association (NPCA) is a nonprofit dedicated to “Protecting and enhancing America’s national parks for present and future generations.” On behalf of our 325,000 members nationwide, NPCA would like to thank you for the opportunity to provide comments on the Draft Environmental Impact Report (DEIR) for the Eagle Crest Pumped Storage Project. Our members care deeply for America’s shared natural and cultural heritage that is preserved by units of the National Park System.

Eagle Crest Energy Company (ECEC) has proposed its Eagle Mountain Pumped Storage Project for an area directly to the south and adjacent to Joshua Tree National Park. Joshua Tree National Park was established by the California Desert Protection Act of 1994 to preserve and protect the natural and cultural resources of the Colorado and Mojave Desert. Joshua Tree National Park had over 1.3 million visitors and is a significant economic engine, generating over 37 million dollars to the local and regional economy in 2009. The park is recognized as an outstanding rock climbing, hiking, stargazing and wildlife viewing area and boasts two intact desert ecosystems meeting in a distinct transition zone, the thousands of years of cultural history, and vast areas of federally designated wilderness—including wilderness areas to the immediate north and south of the proposed project area. The proposed project area lies a mere 1.5 miles from the border of Joshua Tree National Park.

The Eagle Mountain Pumped Storage Project is projected to start construction in 2012 and begin with an initial fill of 8,100 Acre feet of water per year in (AFY) about 2014, with replacement pumping of 1,800 AFY starting in 2018 and continuing through the 50-year life of the Project. The water will be deposited in two depleted mining pits in the former Eagle Mountain Mine in Riverside County, California, adjacent to Joshua Tree National Park. The water would flow downhill to produce energy to the lower pit at times of peak energy demand. During non-peak demand, the water would be pumped uphill, back uphill to the depleted mine pit that is higher in elevation. This project is proposed to occupy federal lands currently administered by the Bureau of Land Management (BLM) and private lands currently owned by Kaiser Eagle Mountain and would not exclude development of the Eagle Mountain Landfill.

The National Parks Conservation Association has the following concerns with this project that should be addressed before the Eagle Mountain Pumped Storage Project moves forward:

Groundwater Impact

The project will mine groundwater from the Chuckwalla Basin, which is in communication with several of the surrounding aquifers, including the Pinto Basin Aquifer, which lies underneath Joshua Tree National Park. The proposed Project is projected to start construction in 2012 and the initial fill of 8,100 AFY in about 2014, with replacement pumping of 1,800 AFY starting in 2018 and continuing through the 50-year life of the Project. The Draft EIR estimates the amount of recharge for the Chuckwalla Aquifer based on precipitation, runoff and communication with other aquifers.

However, the data and assumptions behind these calculations appear fundamentally flawed. The percent groundwater recharge of the Chuckwalla Basin used in the report is cited as 3-7% of annual precipitation, but it is common knowledge in arid ecosystems that during some years there is no groundwater recharge at all. In fact, groundwater recharge in the desert is influenced by variability in precipitation and according to many climate change projections, variability in precipitation is only expected to become more pronounced in the California desert.

But additionally Table 3.3-8, Chuckwalla Valley Groundwater Basin Groundwater Balance Existing and Project Pumping Effects on Groundwater Storage (AF), makes the incredible assumption that over a 92 year period from 2008-2100 the amount of groundwater recharge remains completely constant. That defies logic and neglects to take in account the Mojave and Colorado Desert's variability of precipitation, as well as changing land and water use patterns in the area. Finally, to claim that by 2060, at the end of the 50-year FERC Project license period, the aquifer storage (cumulative change) will have been increased by about 74,000 acre-feet seems specious at best. The final EIR needs to have a realistic assessment of groundwater recharge and should include comparative baseline data from arid systems over the 92 year period which would shed light on whether this is a realistic projection.

Cumulative Impacts

The National Environmental Policy Act requires a thorough analysis of cumulative impacts in an environmental process. The proposed project is in the same immediate area as the proposed Eagle Mountain landfill. The Eagle Mountain Landfill would dump up to 20,000 tons of trash for 117 years on adjacent Kaiser and BLM lands. The trash from the landfill would tower 1500 feet above pristine desert canyons, impact air quality from landfill operations, increase the populations of predatory ravens and coyotes that prey on desert tortoise and create noise and light pollution that would impair the adjacent wilderness. NPCA has consistently and successfully opposed the ill-conceived Eagle Mountain landfill project as illegal and environmentally inappropriate for this area adjacent to Joshua Tree National Park. Most recently, the Ninth Circuit Court of Appeals rejected Kaiser Mining Inc.'s attempt to appeal. The Ninth Circuit Court of appeals upheld its prior ruling that the BLM land exchange that made the landfill possible was flawed, the Environmental Impact Statement's goals merely adapted Kaiser's business plan and the science in the document inadequately examined the problem of atmospheric nitrogen deposition from landfill operations. The State Water Resources Board should seriously examine the cumulative impacts of a landfill and a massive pumped storage project in the same immediate area. The cumulative impacts on the threatened desert tortoise and biotic communities, the cumulative impacts on wilderness values, and the cumulative impacts on groundwater must be further examined.

Additionally, First Solar is developing a 4,410-acre industrial energy Desert Sunlight facility to the East of the Eagle Mountain Pumped Storage Project. The Desert Sunlight facility will use 1300 to 1400 acre feet of water from the Chuckwalla Basin Aquifer over the 26 month construction period, but this is not reflected in the Draft EIR. It will also impact air quality by creating fugitive dust during construction and desert tortoise populations. Additional consequences of this project may be noise and light pollution that could be perceived from wilderness inside Joshua Tree National Park. The proposed First Solar project is within the Bureau of Land Management's Riverside East Solar Energy Study Area, which literally runs right up to Joshua Tree National Park's boundary and wraps around the Coxcomb Mountains, surrounding this wilderness peninsula of Joshua Tree National Park.

To the West in Shaver's Valley, the Glorious Land Company is seeking to build a brand-new, 40,000-person city adjacent to Joshua Tree National Park, with all associated infrastructure, including plans for water-intensive golf courses. The cumulative impacts of industrializing the entire southeast boundary of Joshua Tree National Park with the nation's largest garbage dump, a pumped storage project and a 4000 plus acres solar development would fundamentally alter Joshua Tree National Park's southern border. The cumulative impacts of these developments must be thoroughly examined in the final EIR with specific attention to wilderness values, impacts on threatened species and the cumulative impacts on Joshua Tree National Park's ability to manage its resources unimpaired for future generations.

Ecological considerations

The large quantities of standing water in the upper and lower reservoir of the pumped storage project could artificially inflate the population of predatory ravens and coyotes, which could have an impact on their prey; desert tortoise, amphibians and nesting and migrating birds in the area.

Light and noise pollution associated with the construction phase of this project and subsequent operations threaten to disrupt patterns of bighorn sheep, which use springs and tanks within two miles of the project area. In fact, Bighorn scat were observed at the main project site during 1989-90 and 1995 surveys for the Eagle Mountain Landfill and Recycling Center and during related project surveys (Riverside County and BLM 1996). The surveys indicated the bighorn ewes utilize this area during the spring, summer, fall and winter. Additionally, The reversible pump turbine units which will run with 12 hours of pumping each weekday night to fully recharge the upper reservoir with additional pumping will likely generate a great deal of ambient noise that may impact sensitive species like bighorn sheep, as well as the qualities of adjacent Joshua Tree National Park Wilderness.

Finally, the switchyard (Project Connection Point) that will be located about 4,500 feet south of the powerhouse, outside the boundaries of the proposed landfill, and will have security and maintenance lighting system that will doubtlessly impact nocturnal species. Corresponding transmission lines that run to the southwest and connect to the switchyard will also serve as a perch and nesting area for ravens that often prey on immature desert tortoise.

The National Parks Conservation Association would like to thank the State Water Resources Board for the opportunity to comment on the Eagle Mountain Pumped Storage Project and respectfully requests that the final EIR fully address groundwater, cumulative and ecological issues and how they will impact the natural and cultural resources of Joshua Tree National Park.

Sincerely,

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